

REMARKS

Claims 1-19 are pending in this case. Claims 1-5 and 8-19 have been rejected. Claims 6 and 7 have been allowed. Claim 1 has been amended to more particularly point out the subject matter claimed by the Applicant as his invention. Claim 4 has been removed from consideration. No new matter has been added.

The Examiner has objected to the drawings as not showing every element in the claims, specifically claim 4 and claim 6. Claim 4 has been cancelled. The foldable support beam of claim 6 is shown in Figure 2 as element 32.

The Examiner has rejected claims 1-3, 5, 12, 13 and 18 under 35 U.S.C. §103(a) as being unpatentable over Butschat. However the Examiner has also entitled this section, “Claim Rejections – 35 USC §102,” thus the Applicant is not sure which type of rejected is meant. The Examiner’s arguments appear to be in the form of §102 rejections, although the Application will respond to both types of rejection. The Examiner has indicated that Butschat discloses all of the elements of the rejected claims. The Applicant respectfully disagrees. Butschat is a container system for a paint brush, not a paint roller as is claimed in the present invention. Butschat does not show or suggest several of the claimed elements of the present application, namely, a “compartment *sized to accept a paint roller*,” a “clip means for retaining the *paint roller* at a specified location within the first storage compartment,” or a “means for attaching the device to a painter wherein the *paint roller* is perpendicular to the body of the painter.” (emphasis added)

These elements are claimed in all of the rejected claims thus a rejection under §102 is not supported. Further, with respect to claim 2, Butschat does not show a “clip means [which] acts to retain the *paint roller*.” (emphasis added) With respect to claims 12 and 13, both of these claims are dependent on claim 10 which includes first and second storage compartments. A second storage compartment is clearly not shown in Butschat, the Office Action does not even state that a second storage compartment is shown by Butschat. The rejection of claims 12 and 13 over Butschat is not supported by the Office Action. Butschat does not show all of the elements of any of the claims rejected by the Examiner, thus the claims are not anticipated by Butschat.

If the rejection is a §103 rejection, in addition to the arguments set forth previously, there is no specific statement or suggestion in Butschat that it would be useful with a paint roller. In fact, by being specifically designed for a paint brush, Butschat teaches away from the present invention. In order to function with a paint roller, an entirely different design is required, which design is not shown or suggested in Butschat. Even if Butschat were modified to accept a paint roller, based on the teachings in Butschat, the container would extend 10 - 12 inches from the side of the painter, rendering the device unusable. Further, the Butschat device does not attach to the painter such that the brush or, if modified to accept a roller, roller is perpendicular to the body of the painter as is claimed in the present invention. Instead, Butschat teaches having the brush parallel to the body of the painter, see Fig 2, elements 40 and 16. There is no teaching or suggestion in Butschat to use a paint roller in the described container, nor is there any teaching to place the brush perpendicular to the body of the painter. The Applicant has included photographs and drawings of the present invention in use to show the significant differences between the

Butschat device and the present invention. Thus, Butschat neither anticipates nor renders obvious the instant invention as presently claimed.

The Examiner has rejected claims 1, 8-15 and 19 under 35 U.S.C. §103(a) as being unpatentable over Jaques in view of Butschat. The Examiner states that paint brushes and paint rollers are equivalent; the Applicant disagrees. Brushes and rollers are used in different situations and require means for use. While a paint brush can be dipped directly in a paint can and used, a paint roller can not. Paint rollers, due to their very different shape and paint coverage requirements, are not equivalent to paint brushes. As discussed above, Butschat does not show a device designed for a paint roller. Jaques also does not show a device for a paint roller. Furthermore, there is no reason to combine the clip of Butschat with the container disclosed in Jaques. Jaques specifically teaches maintaining the paint brushes on the outside of the paint container. Jaques teaches away from using a clip in the internal surface of the container. Again, neither of the cited references discloses or suggests a container for a paint roller in which the roller is maintained perpendicular to the body of the painter. The instant invention as presently claimed is not rendered obvious by the combination of Jaques and Butschat.

The Examiner has rejected claim 4 under 35 U.S.C. §103(a) as being unpatentable over Jaques in view of Butschat and further in view of Davidson. Claim 4 has been removed from consideration.

The Examiner has rejected claims 16 and 17 under 35 USC 103(a) as being unpatentable over Jaques in view of Butschat and further in view of Buth. As discussed above, neither Jaques or Butschat describe or suggest a device for use with paint rollers. Both Jaques and Butschat teach away from a device which can be used with a paint roller as both are designed for paint brushes which are used in painting in an entirely different manner from how rollers are used. Systems for use with brushes do not equate to systems for use with paint rollers. The Buth patent merely describes a liner for a paint tray and does not add any suggestion of a wearable system for use with a paint roller and paint. Thus, the combination of Jaques, Butschat and Buth does not render the rejected claims obvious.

All claims now in the application are deemed patentably distinguishable over the art applied and noted, but not relied upon. Accordingly, allowance of the application is solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kimberly A. Chasteen", with a long horizontal flourish extending to the right.

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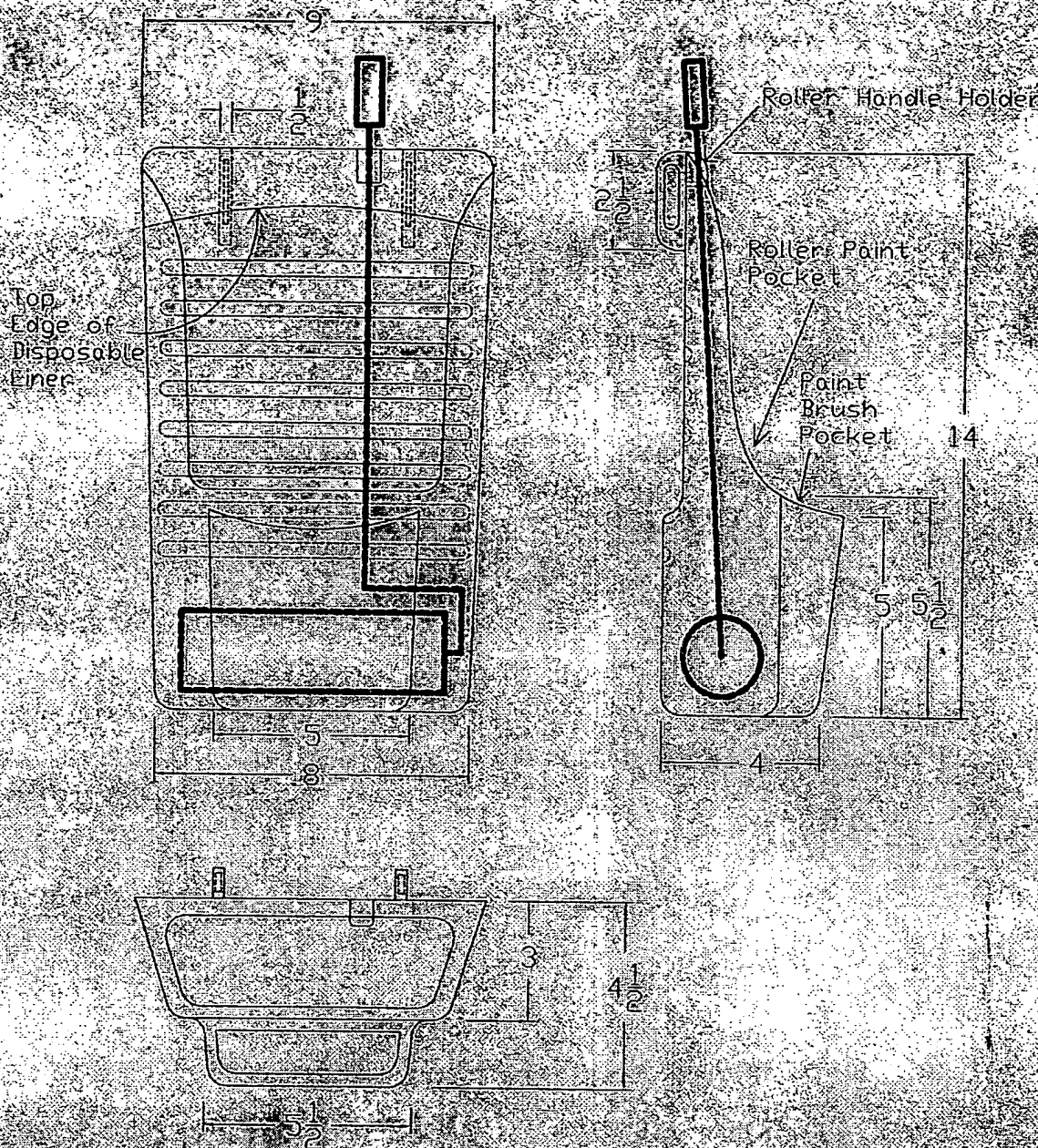


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Painter's Pal



1. All deminsions are approximate
2. Materials to be a flexible molded plastic
3. A light weight disposable liner to be developed in conjunction with the above (one piece to cover both pockets)
4. There will be at least two belt loops
5. The roller handle holder will be able to slide in a stiff fashion from left to right.
6. Container to stand upright without support.